

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Civil Writ Petition No. 15052/2025

CNR: RJHC010700772025

URN: CW / 27075U / 2025

Lakhan Lal Jatav S/o Shri Harheti Jatav, Aged About 53 Years,
Resident Of L2-A, Railway Colony Bhagat Ki Kothi, Jodhpur-
342001, (M-9829491897), At Present Employed On The Post Of
Chief Ticket Inspector, Nwr, Bhagat Ki Kothi, Jodhpur-342001

-----Petitioner

Versus

1. Union Of India, Through General Manager, North-Western
Railway, Hqrs. Jaipur Zone, Near Jawahar Circle, Jaipur
Pin 302017.
2. Senior Divisional Commercial Manager, Nwr, Jodhpur
Division, Jodhpur, -342001.
3. Senior Deputy General Manager (Sdgm), North-Western
Railway Hqrs. Jaipur Zone, Near Jawahar Circle, Jaipur Pin
302017.
4. Shri Prakash Gurnani, Inquiry Officer And Inquiry
Inspector, Through Sdgm, Nwr, Hqrs. Jaipur Zone, Near
Jawahar Circle, Jaipur Pin 302017.

-----Respondents

For Petitioner(s) : Mr. Jai Kumar Kaushik

For Respondent(s) : Mr. Tirupati Chandra

HON'BLE MR. JUSTICE MUNNURI LAXMAN

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

09/07/2026

1. The present writ petition has been filed by the petitioner
challenging the order dated 15.07.2025 passed by the Central
Administrative Tribunal (**CAT**), whereunder the request of the
petitioner for quashing the charges framed by the disciplinary
authority and the consequential inquiry was rejected and the



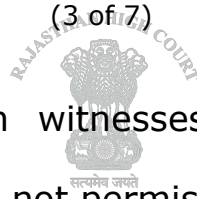
Original Application (**OA**) filed by the petitioner was disposed of with certain directions.

2. The case of the petitioner is that he is an employee of the respondent(s) – department and while he was serving in the department, a complaint was received against him, upon which, the Vigilance Department of the Railways conducted an inquiry and submitted an inquiry report along with a draft chargesheet against the petitioner with the recommendation to the disciplinary authority to initiate disciplinary proceedings against the petitioner with respect to the alleged misconduct.

3. On the basis of the inquiry report and the draft chargesheet, the disciplinary authority commenced the disciplinary proceedings by framing the charges, which according to the petitioner are similar to the charges contained in the draft chargesheet.

4. The case of the petitioner is also that the disciplinary proceedings were commenced by the disciplinary authority without any independent application of mind and that such proceedings were based solely on the recommendation made by the Vigilance Department after conducting an inquiry and submitting the draft chargesheet.

5. It is also his grievance that after the vigilance inquiry and commencement of disciplinary proceedings, the Vigilance Department found some additional evidence which ought to have been submitted before the Inquiry Officer through the Presenting Officer, however, the same was submitted directly to the disciplinary authority, which is according to the petitioner, was impermissible. His further grievance is that during the course of inquiry, the Inquiry Officer was supposed to record the evidence, however, instead of recording the evidence himself, he permitted



the statements of certain witnesses to be recorded through another witness, which was not permissible in law.

6. Lastly, it is submitted that the entire procedure adopted by the authorities was not in accordance with the Rules and the relevant Manual/Codes governing disciplinary proceedings. Learned counsel in support of his submissions has placed reliance upon the judgment of Hon'ble Supreme Court in the case of Nagraj Shiva Rao Karjagi Vs. Syndicate Bank Manipal & Anr. reported in AIR 1991 SC 1507. Therefore, he seeks interference of this Court in the order passed by the Tribunal and consequently, seeks the quashment of the chargesheet and the disciplinary proceedings.

7. Per contra, learned counsel appearing for the respondents submits that there was no deviation in conducting the inquiry proceedings from the procedure prescribed under the Manual and Office Memorandum issued by Government of India from time to time. The inquiry report and the draft chargesheet were submitted by the Vigilance Wing of Railways, which is a part and parcel of Railways itself and is not an outside agency. He submits that the entire proceedings have been conducted very much in terms of the Office Memorandum issued by the Central Government dated 14.10.2013, and the draft chargesheet was submitted only to assist the disciplinary authority in framing the charges.

8. Learned counsel also submits that Rules do not prohibit any department of the Railways from collecting evidence prior to the commencement of disciplinary proceedings and as a matter of fact, the Office Memorandum provides for procuring a report and draft charges along with the imputations in support and list of witnesses and documents. Learned counsel also submits that the



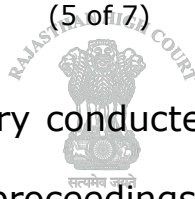
chargesheet was issued to the petitioner after due application of mind and it is wrong on the part of the petitioner to contend that the proceedings have been carried out merely on the dictate of the Vigilance Department. Learned counsel submits that the judgment relied upon by the petitioner in the case of Nagraj Shiva (supra) is not applicable as the Vigilance Wing is an integral part and a department of Railways administration and is not an outside agency.

9. Learned counsel further contends that if the Inquiry Officer will record any evidence of the witness or produce an additional document, the same would be done very much in accordance with the Indian Railway Establishment Code after granting due opportunity to the petitioner. He also submits that the directions in this regard as given by the CAT will be duly adhered to.

10. Lastly, he submits that additional material collected during the pending inquiry can be made part of the inquiry by routing the same through the disciplinary authority, which may forward such additional evidence to the Presenting Officer, and Presenting Officer after giving due notice to the delinquent can produce such evidence before the Inquiry Officer and such a procedure is not prohibited under the law.

11. We have heard learned counsel for the parties and perused the order impugned.

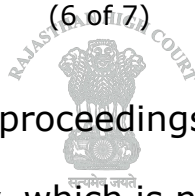
12. The inquiry was conducted by the Vigilance Wing of Railways with regard to alleged misconduct of the petitioner while he was in service. Thereafter, the Vigilance Wing submitted an inquiry report along with a draft chargesheet, which was forwarded to the disciplinary authority. The forwarding letter reflects that the Vigilance Wing advised the disciplinary authority to take certain



actions in light of the inquiry conducted by it and even suggested to initiate the disciplinary proceedings in the manner indicated in the draft chargesheet.

13. This Court has duly considered the pleadings of the petitioner in the OA. It is not the case of the petitioner that prior to the commencement of disciplinary proceedings on the basis of the inquiry report submitted by the Vigilance Wing, there was no prima facie material available with the disciplinary authority to frame the charges. The only grievance of the petitioner is that the disciplinary authority framed the charges entirely on the basis of the Vigilance Wing report by substantially adopting the verbatim of the draft chargesheet. Since the draft chargesheet was submitted in terms of the Office Memorandum dated 14.10.2013, which has not been challenged, and there is no pleading in the rejoinder either before the CAT or before this Court questioning the validity of the said memorandum, no interference is called for on that count.

14. The draft chargesheet and the inquiry report were the material on the basis of which the disciplinary authority framed the charges. Merely because the disciplinary authority adopted the draft chargesheet prepared by the Vigilance Wing would not, by itself, establish non-application of mind, particularly when it is not the petitioner's case that no prima facie material existed for framing the charges. The procedure adopted is not prohibited under the Manual, Code, or Rules governing disciplinary proceedings. The Rules relating to disciplinary proceedings apply only after the commencement of such proceedings. The disciplinary authority has ample power to collect material for

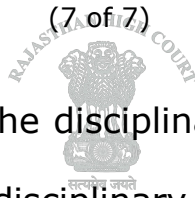


initiation of disciplinary proceedings through various modes including a vigilance inquiry, which is not prohibited by law.

15. It is also arising from the record that the Vigilance Department is an integral department of the railways itself and is not an outside or third-party agency and thus, the principle as laid down by the Hon'ble Supreme in the case of Nagraj Shiva (supra) will not be of any assistance to the petitioner as in the said case, it was directed that no third-party could dictate the disciplinary authority, which is not the case herein. The fact that Vigilance Wing is a department of Railways and the submission of draft charges was in accordance with the Office Memorandum issued by Government of India dated 14.10.2013 fully justifies the action of the respondents.

16. The contention of learned counsel for the petitioner that, during the course of inquiry, the Inquiry Officer is supposed to record the evidence himself and not through another witness is well-founded. Any evidence sought to be brought on record during the inquiry can be made part of the inquiry only after its introduction with the approval of the Inquiry Officer. Any additional evidence collected during the pendency of the inquiry must be introduced through the Presenting Officer after giving due notice to the delinquent and in accordance with the Indian Railway Establishment Code and Rules as applicable on the inquiry proceedings. Further, even CAT has issued directions to the Inquiry Officer with respect to examination of witnesses which are not disputed by the respondents.

17. This Court is not inclined to accept the contention of learned counsel for the petitioner that any additional evidence collected by any authority during the pendency of the inquiry proceedings



cannot be routed through the disciplinary authority. Such material may be forwarded by the disciplinary authority to the Presenting Officer, who shall introduce the same in the inquiry in accordance with the procedure contemplated for conducting the inquiry.

18. Thus, considering the aforesaid facts and circumstances, this Court does not find any ground to interfere with the order dated 15.07.2025 passed by the CAT.

However, it is made clear that any evidence, if collected during the inquiry otherwise than in accordance with the prescribed procedure, shall not be made part of the inquiry and the witnesses or any other document would be considered in accordance with the directions issued by CAT and the applicable Code and Rules.

19. Accordingly, the writ petition as well as pending application(s), if any, stand disposed of.

(ANUROOP SINGHI),J

JAYANT KUMAR /17

(MUNNURI LAXMAN),J